

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CIVIL CONFERENCE
MINUTE ORDER

BEFORE: A. KATHLEEN TOMLINSON
U.S. MAGISTRATE JUDGE

DATE: 6-8-2020
TIME: 10:03 a.m. (27 minutes)

Purcell v. New York Institute of Technology-College of Osteopathic Medicine
CV 16-3555 (GRB) (AKT)

TYPE OF CONFERENCE: **TELEPHONE STATUS CONFERENCE**

APPEARANCES: Plaintiff: Stewart Karlin

Defendants: Stephen Paul Pischl
Stefanie Poren Munsky

FTR (through teleconference line): 10:03-10:30

THE FOLLOWING RULINGS WERE MADE:

1. At the March 24, 2020 Status Conference, the Court set today as a control date status conference with respect to the progress of discovery and to implement a final scheduling order.
2. Defendant's counsel confirmed that the vendor had completed the remaining ESI production and that material was served on Plaintiff's counsel as directed.
3. We spent some time discussing the depositions which need to be taken in this case. Defendant's counsel pointed out that at least two of the physicians whom Plaintiff's counsel seeks to depose are not employees of the hospital and will need to be subpoenaed. I directed Defendant's counsel to provide Plaintiff's attorney with an address for service for the two physicians within one week. Counsel forth both sides were directed to confer regarding mutually agreeable dates for the depositions and Plaintiff's counsel is to serve his subpoenas no later than August 8, 2020.
4. One of Plaintiff's intended witnesses appears to be/have been employed by the Defendant and is residing in Nevada. Plaintiff's counsel will need to take appropriate steps in conjunction with Defendant's counsel to arrange this deposition which will likely need to be taken by telephone or videoconference.
5. The Court set a deadline of November 13, 2020 for completion of all fact depositions in this case. The fact discovery deadline is November 30, 2020.
6. The Court was surprised to learn this morning that HIPAA authorizations had not been previously provided to Defendant's counsel. Plaintiff's counsel is directed to have those authorizations in the hands of Defendant's counsel by this Friday, June 12. Defendants' counsel is directed to serve those HIPAA releases as soon as they are received from the plaintiff. If 45 days go by and defendants' counsel has not received the records and has made at least one follow-up attempt with the provider without success, then defendants' counsel is directed to send the Court a short letter supplying the name of the provider and

the provider's address. The Court will issue an immediate Order for counsel to serve on the provider.

FINAL SCHEDULING ORDER:

- All fact depositions completed by: November 13, 2020
- Fact discovery must be completed by: November 30, 2020
- Deadline to serve expert report(s) and all expert disclosures required under Rule 26 for any party utilizing an expert in its case-in-chief: January 14, 2021
- Deadline to serve rebuttal expert report(s) and expert disclosures: February 22, 2021
- All expert depositions must be completed by: March 5, 2021
- Any letter request for a pre-motion conference to Judge Brown for purposes of making a summary judgment motion must be filed by: March 22, 2021
- Proposed Joint Pre-Trial Order must be filed on ECF by: June 25, 2021
- Pre-Trial Conference will be held on: June 30, 2021 at 11 a.m.

SO ORDERED:

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
U.S. Magistrate Judge